

**A REGULAR MEETING MINUTES  
PLANNING AND ZONING BOARD  
APRIL 07, 2008**

**CALL TO ORDER**

Chairman James Balderrama called the meeting of the City of Winter Garden Planning and Zoning Board to order at 6:00 p.m. in City Hall Commission Chamber. The invocation was given followed by the Pledge of Allegiance. The roll was called and a quorum was declared present.

**PRESENT:** Chairman James Balderrama, Board Members: Jerry Carris, James Dunn, Mac McKinney, Rohan Ramlackhan, and James Gentry. Also present were Assistant City Attorney Dan Langley, City Manager Mike Bollhoefer, Assistant City Manager Marshall Robertson, Commissioner Colin Sharman, Economic Development Director Dolores Key, Executive Assistant to City Manager Andrea Vaughn, Planning Director Ed Williams, Chief Planner Tim Wilson, Planner Brandon Byers, Planner Regina McGruder, and Planning Technician Lorena Blankenship.

**ABSENT:** Board Member Xerxes Snell

**1. WORKSHOP ON PLANNING AND ZONING BOARD DUTIES AND PROCEDURES**

Assistant City Attorney Daniel Langley conducted a workshop regarding matters related to the Planning and Zoning Board, explaining elements such as their Powers and Duties; the Sunshine Law; Ex-parte Communications, Voting Conflicts, the Land Planning Agency; Quasi-Judicial Proceedings versus Legislative Proceedings; and the Denial of Development Permits (see attached document).

## **2. APPROVAL OF MINUTES**

Approval of minutes from regular meeting held March 03, 2008

*Motion by Jerry Carris to approve the above minutes. Seconded by Mac McKinney, the motion carried unanimously 6-0.*

## **Variances and Special Exception Permits**

### **3. 535 North Main Street - Variance**

Planner Byers presented the Board with a request for approval of the following variances: 35' lot width variance, 3250 sq. feet lot area variance, 5' side yard setback variance, and 22' rear yard setback variance. Mr. Byers explained that on October 03, 2005, the applicant was granted a lot split and some variances, to include the 35' lot width variance and the 3250 sq. ft. lot area variance. The applicant is now requesting additional variances, to include 5' side yard setback variance and a 22' rear yard setback variance, since the detached garage is located within the setback. City Staff has reviewed the application and recommends approval with the following conditions:

1. The final design for the new house must be similar in design to the drawings submitted with the variance request.
2. Prior to the start of construction, the applicant must provide evidence that the previously approved lot split was filed with the Orange County Property Appraiser's office.

Kevin Michael, 535 N. Main Street, Winter Garden, approached the Board and stated that the proposed residence is in harmony with the character of the neighborhood and the reason that they need the variances is to be able to build a detached garage in the rear yard.

Rob and Vicky Mobley, 527 N. Main Street, Winter Garden, approached the Board and spoke in opposition to the subject petition, stating that she opposed to the size and scale of the proposed house and garage. She also expressed concerns in regards to drainage, and expressed opposition to the removal of a large oak tree located in the site. Mrs. Mobley also stated that at least one of the letters from neighbors (*included in the agenda package*) expressing support to the petition was obtained deceitfully.

Mac McKinney asked if the proposed garage had a second story. Mr. Byers responded negatively. Mr. McKinney also inquired about the reason why the lot split has not been recorded with the Orange County Property Appraiser. Planner Byers responded that the property owner does not want to record the lot split unless the variances are granted.

Chairman Balderrama inquired about the drainage situation on the subject property. Planner Byers responded that City Staff can require the applicant to submit a lot grading plan and drainage plan.

Pam Phillips, 535 North Main Street, Winter Garden, approached the Board and explained that the letter mentioned by Mrs. Mobley was not included in their submittal to the City. Ms. Phillips also explained that if the lot split is recorded her property taxes will increase significantly.

Mike Armbruster, 527 N. Boyd, Winter Garden, approached the Board and spoke in opposition to the subject petition, stating that the proposed home should be built within the currently zoning restrictions or the applicant should design a new house.

Tom Duban, 552 N. Woodland, Winter Garden, approached the Board and stated that he lives directly behind the subject property. He expressed concerns in regards to the drainage situation on the subject lot.

Planner Byers clarified that because some of these variances were previously granted, if desired, the property owner could proceed with the lot split and build the same house shown in the plans, but the detached garage will not be allowed as proposed.

Discussion took place in regards to the drainage situation on the subject lot. After discussion, it was determined that City Staff could perform an assessment and provide the Board with a report. Mr. Bollhoefer also stated that if necessary, the City's storm water engineers could perform a drainage analysis.

Planner Byers reported that the proposed home and the garage comply with the impervious storm water ratios' as required by the City Code of Ordinances.

***Motion by Jerry Carris to approve the Variances.*** Motion died because lack of a second.

***Motion by Mac McKinney to table the Item until next Planning and Zoning Board meeting, and have City Staff perform an analysis in regards to the drainage situation on the subject lot. Seconded by James Dunn, the motion carried unanimously 6-0.***

#### **4. Church of Christ of West Orange - SEP**

Planner Byers presented the Board with a request for Special Exception Permit for the Church of Christ of West Orange, to allow 2 temporary portable buildings on the site. These buildings will be used as an office and Sunday School as the principal building undergoes renovation and expansion. City Staff has reviewed the application and recommends approval with the conditions in the Engineering Department's memorandum of March 19, 2005, and with the following condition:

1. The temporary portable buildings shall be removed at the earlier of :  
(1) 30 days after issuance of the Certificate of Occupancy for the Church addition, or (2) 18 months after issuance of the building permit for the Church.

Mac McKinney asked if the portable buildings are manufactured buildings. Planner Byers answer affirmatively.

***Motion by James Gentry to approve the Special Exception Permit with City Staff conditions (see attached). Seconded by James Dunn, the motion carried unanimously 6-0.***

#### **5. Bright Horizons Daycare - SEP**

Planner Byers presented the Board with a request for approval of a Special Exception Permit for property located at 152 Daniels Road, Bright Horizons Daycare, to allow a child care center. City Staff recommends approval with the conditions included in the agenda package, to include the condition that a left turn coming out of the site will not be allowed.

Robert Ewald, approached the Board to answer questions.

James Balderrama inquired about the number of children. Mr. Ewald responded that the number of children is 172.

***Motion by Mac McKinney to approve the Special Exception Permit with City Staff conditions (see attached). Seconded by Jerry Carris.***

Discussion took place among the Board Members in regards to the number of children allowed at the Daycare Center.

***Mac McKinney amended the motion to include the condition that the maximum number of children at the Daycare center will be 200. Seconded by Jerry Carris, the amended motion carried unanimously 6-0.***

#### **6. 1291 Winter Garden Vineland Road, Suite 110 & 210 - SEP**

Planner Byers presented the Board with a request for approval of a Special Exception Permit for property located at 1291 Winter Garden Vineland Road, Suite 110 & 210. If approved, this Special Exception Permit will allow the applicants to operate a full-service dry-cleaning business. Mr. Byers reminded the Board that this item was tabled at the January Planning and Zoning Board. He stated that City Staff recommends approval with the condition that unless another Special Exception Permit is granted, the subject location

may not be used as a dry cleaning processing plant for other dry cleaners, that no hazardous waste shall be used or generated in the dry cleaning, nor shall this waste stored on site. In addition, the applicant must comply with the conditions included in the revised memorandum from the Engineering Department dated April 04, 2008, including an additional condition: the business is considered an industrial use and shall comply with the pretreatment requirements as specified in Chapter 78, Article IV of the City Code.

Winston Schwartz, property owner of the subject location, approached the Board to answer questions. City Attorney Langley asked if the applicants were in agreement with City Staff conditions. Mr. Schwartz responded affirmatively, adding that they did not have a problem with the pretreatment requirements since nothing is being discharged from the facility, and all products are self-contained.

Chairman Balderrama expressed concerns in regards to a dry-cleaning operation at this location because a similar business was located at the Publix Shopping Center. He also inquired about the uses allowed under the PCD Ordinance. City Manager Bollhoefer explained that the PCD includes a combination of storage facilities, light manufacturing, retail and professional offices. He added that since the applicants are operating a full-service facility they were required to go to through Special Exception Permit process. Mr. Bollhoefer also informed that community meetings were held with the adjacent residents to inform them of the proposed business.

***Motion by James Dunn to approve the Special Exception Permit with the conditions found in the Engineering Department's memorandum dated April 04, 2008 (see attached) and the additional condition that unless another Special Exception Permit is granted, the subject location may not be used as a dry cleaning processing plant for other dry cleaning facilities and that no hazardous waste shall be used or generated in the subject facility, nor shall this waste be stored onsite. Seconded by Mac McKinney.***

Chairman Balderrama expressed concerns in regards to repetitive business in the City.

***The motion carried unanimously 6-0.***

## **7. 13 E. Cypress Street - SEP**

Planner McGruder presented the Board with a request for approval of a Special Exception Permit for property located at 13 East Cypress Street. If approved, this Special Exception Permit will allow the applicants to operate a children's day care in the C-2 zoning district. City Staff has reviewed the application and recommends approval with the following conditions:

1. Maximum allowed Occupancy is 25 students.
2. Must provide dedicated parking spaces for Daycare.
3. Must meet State playground requirements for Daycare Center and all other city staff requirements for small site plan approval.
4. City Engineer's Memo dated March 5, 2008

Sarai and Carlos Cruz, applicants for the project, approached the Board to answer questions.

James Gentry inquired about the play area. Planner McGruder responded that is a “before and after school” program and the State might only require the dedicated play area to be inside the building, based on the number of students.

***Motion by James Gentry to approve the Special Exception Permit with City Staff conditions (see attached). Seconded by James Dunn, the motion carried unanimously 6-0.***

### **Rezoning**

#### **8. Apex Commerce Center PCD.**

Planner McGruder stated that the applicant has requested that the item be tabled until the next Planning and Zoning Board meeting.

In response the Chairman Balderrama’s question, Ms. McGruder stated that the applicant has held several community meetings with the adjacent homeowners and has been working with City Staff to resolve issues related to the subject petition. Some of the issues still have not been resolved.

Mac McKinney asked if the residents of Chapin Station Subdivision had been notified of the community meetings. City Manager Bollhoefer responded that the Tuscan residents, the Trails of Winter Garden residents and the Chapin Station residents were notified of the community meetings.

Chris Martinez, 1838 Lindzlu Street, Winter Garden, approached the Board and stated that he is the president of the Chapin Station Homeowners Association. He stated that they would like to see the finalized PCD requirements with the allowable uses.

City Manager Bollhoefer stated that once the PCD ordinance is approved, the stipulated uses and requirements will continue to stay with the property, even if the ownership changes.

Mac McKinney expressed concerns related to the traffic situation in the area, and inquired about the applicants’ participation in the road improvements. City Manager Bollhoefer explained that the change of zoning from C-2 to City PCD will not negatively impact the traffic situation, and added that the developer is required to pay their proportionate share of the traffic improvements. The developer has paid the impact fees for phase 1 and, as part of the Developers Agreement he will be required to contribute money to road improvements on Plant Street and East Crown Point Road.

***Motion by Mac McKinney to table the item until the next Planning and Zoning Board meeting. Seconded by Jerry Carris, the motion carried unanimously 6-0.***

**Final Plat**

**9. Avamar**

Planner Byers presented the Board with a request for Final Plat approval for Avamar Crossings located on Marsh Road and Avalon Road. City Staff has reviewed the application and recommends approval with the City Staff conditions attached to the Agenda Package. Planner Byers provided the Board with an amended Engineering Department's memorandum dated April 04, 2008, adding an additional condition (7A).

Discussion took place among the Board Members, City Attorney Langley and City Manager Bollhoefer in regards to the comment # 11, of the Engineering Department's memorandum dated April 04, 2008, concerning the City's sidewalk account.

Earl Kurtz, of Monroe Prestige Group, applicant for the project approached the Board and required additional clarification in regards to the new Engineering Department's comment # 7(A). Planner Byers explained that prior to the item being presented before the City Commission, the Project's Surveyor needs to add a note on the Mylar in regards to the deed.

***Motion by James Dunn to approve the Final Plat with City Staff conditions (see attached). Seconded by Jerry Carris, the motion carried unanimously 6-0.***

**ADJOURNMENT**

There being no further business, the meeting was adjourned at 7:50 p.m.

**APPROVED:**

**ATTEST:**

---

**Chairman James Balderrama**

---

**Planning Technician Lorena Blankenship**